

BEFORE THE
Federal Communications Commission
 WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

)
 Amendment of the Commission's
 Rules to Establish New Personal
 Communications Services)

GEN Docket No. 90-314

RM-7140, RM-7175, RM-7618

To: The Commission)

REPLY COMMENTS OF LORAL QUALCOMM SATELLITE SERVICES
 IN SUPPORT OF PETITIONS FOR RECONSIDERATION

Loral Qualcomm Satellite Services, Inc. ("LQSS"), by its attorneys, respectfully submits its reply comments in support of Petitions for Partial Reconsideration of the Commission's allocation of frequency bands for personal communications services¹ filed by AMSC Subsidiary Corporation ("AMSC"), Comsat Corporation ("Comsat"), and TRW Inc. ("TRW").²

LQSS agrees with the petitioners that the Commission should reconsider its allocation of the 2180-2200 MHz band for terrestrial PCS. This spectrum is allocated on a worldwide basis for mobile satellite service (MSS) and is of critical importance to fulfill the spectrum requirements for the second generation of U.S.-based global, mobile satellite systems such as LQSS' GLOBALSTAR. The United States was instrumental in obtaining this allocation at the 1992 World Administrative Radio Conference ("WARC-92").³ At WARC-92, the United States

¹ Second Report and Order ("PCS Allocation Order"), GEN Docket No. 90-314, 58 Fed. Reg. 59174 (November 8, 1993).

² Motorola, Inc. also filed a Petition for Reconsideration and Clarification of the PCS Second Report and Order in which Motorola asks that the Commission identify additional bands outside the PCS allocation to meet mobile satellite spectrum requirements supported by the U.S. at WARC-92.

³ See Final Acts of the World Administrative Radio Conference and Addendum and Corrigendum, Malaga-Torremolinos, 1992.

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recognized that it was imperative to obtain substantial frequency allocations to accommodate MSS systems implemented in the late 1990s and early years of the 21st century.

The need for allocations for mobile satellite service is not in dispute. Nor is the benefit to be derived from global non-geostationary mobile satellite systems such as LQSS' GLOBALSTAR. The Commission, within the proceeding addressing the allocation of the 1610-1626.5 MHz and 2483.5-2500 MHz bands, stated: "[s]uch non-geostationary satellite systems are expected to offer a wide range of new and low-cost services, with a potentially worldwide scope, such as voice, facsimile and data messaging, and fleet surveillance and control."⁴

LQSS agrees with Comsat, AMSC and TRW that failure to reconsider the terrestrial PCS allocation in the MSS bands at 2180-2200 MHz would undermine the credibility and future efforts of the United States as it seeks at WRC-95 and WRC-97 additional MSS allocations for both U.S. and global use and would create a potential gap in spectrum availability for second-generation MSS systems.⁵ Moreover, the Commission did not provide adequate notice and opportunity to comment on allocation of 2180-2200 MHz for PCS, thereby precluding input from the MSS community on this matter of critical significance.

I. LQSS Has a Significant Interest in this Proceeding

LQSS is an applicant for authority to provide voice, data and position-determination services, including both mobile-satellite service ("MSS") and radiodetermination satellite service ("RDSS") in the 1610-1626.5 MHz (E-to-s) and 2483.5-2500 MHz (s-to-E) bands with the GLOBALSTAR system.⁶ GLOBALSTAR will provide handheld communications service to users

⁴ Notice of Proposed Rulemaking and Tentative Decision, ET Docket No. 92-28, 7 FCC Rcd 6414 (1992), at para. 1.

⁵ See AMSC Petition for Reconsideration at p. 5, Comsat Petition for Partial Reconsideration at pp. i, ii, 5-8, and TRW Petition for Reconsideration at p. 7.

⁶ See, Application of Loral Qualcomm Satellite Services, Inc., File Nos. 19-DSS-P-91 (48) and CSS-91-014.

in the United States and throughout the world. The system will complement the coverage of existing cellular and other terrestrial communications systems and provide communications in areas underserved and unserved by terrestrial infrastructure.

Five other entities have also applied to use the 1610-1626.5 MHz and 2483.5-2500 MHz bands for provision of RDSS/MSS service.⁷ These entities, with the exception of AMSC, propose to provide global service to handheld units. Provision of such service by GLOBALSTAR and other non-geostationary global MSS systems will implement important new telecommunications services which will support U.S. global business initiatives and U.S. commercial interests, such as satellite construction, launch and handset development and manufacture. As stated by TRW, "the global non-geostationary MSS systems will help to ensure the preeminence of the United States satellite industry well into the next century."⁸

LQSS, as well as some of the other U.S. applicants, are already planning second generation MSS/RDSS systems. These systems will require significant amounts of spectrum. Thus far, plans for these systems have focused on the following 2 GHz bands available on a global basis following WARC-92:

⁷ See Applications of AMSC Subsidiary Corporation, File Nos. 15-DSS-MP-91 and 16-DSS-MP-91, Motorola Satellite Communications, Inc., File Nos. 9-DSS-P-91 (87) and CSS-91-010, Constellation Communications, Inc., File Nos. 17-DSS-P-91(48) and CSS-91-013, Ellipsat Corporation, File Nos. 11-DSS-P-91(6) and 18-DSS-P-91(18) and TRW Inc., File Nos. 20-DSS-P-91 (12) and CSS-91-015.

⁸ TRW Petition at p. 3.

WARC-92 MSS Allocations in 1850-2200 MHz Band

<u>Band</u>	<u>Path</u>	<u>Regions</u>	<u>Date</u>
1930-1970 MHz*	Earth to Space	Region 2	1993
1970-1980 MHz	Earth to Space	Region 2	2005
		U.S.	1996
1980-2010 MHz	Earth to Space	Global	2005
		U.S.	1996
2120-2160 MHz*	Space to Earth	Region 2	1993
2160-2170 MHz	Space to Earth	Region 2	2005
		U.S.	1996
2170-2200 MHz	Space to Earth	Global	2005
		U.S.	1996

* Secondary

If LQSS (or any of the other MSS applicants) is to proceed with certainty with its plans for its second generation, assurance must be provided that adequate spectrum resources, including both the 2180-2200 MHz and its companion band of 1990-2010 MHz will be available.

II. The U.S. Position at Future International Allocation Conferences Would be Harmed if the 1980-2200 MHz Band is Allocated for Terrestrial PCS

The United States was the primary advocate for MSS allocations at WARC-92. It succeeded, over the initial objections of many administrations, in obtaining critically important allocations for MSS. In the case of bands which will not be available for MSS before 2005 in most areas of the world, the U.S. led the way to making those frequencies available in Region 2 as soon as 1996.

The U.S. recently recognized that MSS allocations, in addition to those adopted at WARC-92, will be needed to meet the requirements of second generation MSS systems. To address these needs, the U.S., at the recent 1993 World Radiocommunication Conference, sought the inclusion of MSS on the agendas for the 1995 and 1997 World Radiocommunications Conferences.⁹ Many administrations at WRC-93 opposed the consideration, at WRC-95 and WRC-97, of additional allocations for MSS. The recent allocation by the FCC of the 1980-2200 MHz band by the FCC for terrestrial PCS was cited as evidence of the United States' failure to support MSS. Despite these challenges, the U.S. succeeded in obtaining limited consideration of new MSS allocations at WRC-95 and WRC-97, as well as a review of the date of availability of the bands 1980-2010 MHz and 2170-2200 MHz in Regions 1 and 3 and the bands 1970-2010 MHz and 2160-2200 MHz in Region 2.¹⁰

At WRC-93, the recently announced allocation by the FCC of the 1980-2200 MHz spectrum for terrestrial PCS was cited as an indication of the United States' lack of support for MSS by opponents of further consideration of MSS. This allocation could thus continue to undermine the United States' position at future WRCs when MSS allocations are at issue. Moreover, the leadership role which the United States established at WARC-92 could be weakened by the inconsistent allocations to the detriment of MSS users and service providers.

It is vital that the Commission permit the 2180-2200 MHz band and its companion uplink of 1990-2010 MHz be available for MSS. The Commission should identify other suitable spectrum for PCS.¹¹ This action is needed to ensure credibility for the U.S. as it approaches these future allocation conferences and to ensure that adequate spectrum will be available for MSS into the early part of the 21st century.

⁹ See, Final Acts of the World Radiocommunication Conference, Geneva, 1993.

¹⁰ Resolution No. COM 4/1, supra.

¹¹ Identifying other spectrum for MSS, as Motorola suggests, would not resolve the challenge of obtaining an international allocation for any such newly-identified spectrum.

III. The Commission Did Not Provide Adequate Notice of the Possibility of Allocating the 2180-2200 MHz Band for PCS

In adopting its PCS Allocation Order, the Commission departed substantially from its previously proposed allocations. In its Notice of Proposed Rulemaking¹², the Commission proposed to allocate 90 MHz of spectrum in the bands 1850-1895/1930-1975 MHz for PCS. By contrast, in the PCS Allocation Order, the Commission allocated 120 MHz for terrestrial PCS (plus 40 MHz for unlicensed, or user-PCS), in a manner which departs substantially from its proposal and which impacts severely on the global MSS allocations in the 2 GHz bands.

Neither LQSS nor the petitioners filed comments on the Commission's NPRM concerning use of the 2180-2200 MHz band because of the apparently negligible impact on MSS of the Commission's proposal.¹³ LQSS, however, has been on record, in the Emerging Technologies proceeding, concerning the the public interest in making available the MSS-allocated bands for use by MSS, rather than terrestrial mobile systems. See, Reply Comments of LQSS in ET Docket No. 92-9, July 8, 1992.

The Commission's PCS Allocation Order, however, goes far beyond the Commission's proposal in its Notice of Proposed Rulemaking with regard to the frequency bands allocated for PCS, effectively precluding use of both the global MSS downlink of 2180-2200 MHz and the companion uplink at 1990-2010 MHz. The dramatic and deleterious impact of this action must be reconsidered by the Commission.

IV. Conclusion

The United States has consistently sought global MSS allocations in furtherance of the public interest and the interests of consumers, service providers and U.S. industry. The PCS

¹² Notice of Proposed Rulemaking and Tentative Decision, GEN Docket No. 90-314, 7 FCC Rcd 5676 (1992).

¹³ The Commission proposed to allocate 1970-1975 MHz for terrestrial PCS, a 5 MHz incursion into the Region 2 MSS allocation. This spectrum would most likely not have been available for global MSS systems, such as LQSS'.

Allocation Order substantially reduces the spectrum available for U.S. MSS systems and undermines U.S. credibility in international fora. The Commission should reconsider its allocation of the 1980-2200 MHz band for PCS and ensure that the PCS allocations do not impair the ability of MSS systems to be implemented and expanded to accommodate consumer demand.

Respectfully submitted,

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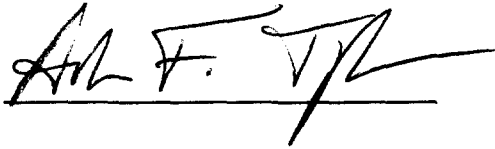
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January 13, 1994

CERTIFICATE OF SERVICE

I, Andrew Taylor, hereby certify that I have on this 13th day of January 1994, caused to be sent copies of the foregoing "Reply Comments of Loral Qualcomm Satellite Services, Inc. in support of petitions for reconsideration" by U.S. mail, postage prepaid, to all Parties who filed comments in the above mentioned proceeding. In the interest of conservation, the complete service list is filed with the Federal Communications Commission only.

A handwritten signature in black ink, appearing to read "A. F. Taylor", written over a horizontal line.

Andrew F. Taylor

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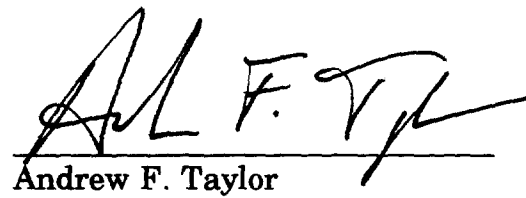
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